

AMENDED IN ASSEMBLY APRIL 1, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 941

Introduced by Assembly Member Yee

February 20, 2003

An act to amend Section 1372 of the Penal Code, and to amend Sections 4100, 7200, and 7200.06 of, and to repeal Sections 7229 and 7233 of, the Welfare and Institutions Code, relating to state hospitals.

LEGISLATIVE COUNSEL'S DIGEST

AB 941, as amended, Yee. State hospitals.

(1) Under existing law, a person cannot be tried or adjudged to punishment while that person is mentally incompetent.

Existing law sets forth procedures under which a criminal defendant who was adjudged mentally incompetent and who has regained mental competence, shall be returned to the committing court, and subsequently returned to a hospital or other commitment facility based on a need for continued treatment in order to maintain competence to stand trial. Existing law provides that the state shall only pay for 10 hospital days for patients following the filing of a certificate of restoration of competency. Existing law requires the State Department of Mental Health to report annually to specified committees of the Legislature on the number of days that exceed this 10-day limit.

This bill would repeal this reporting requirement.

(2) Existing law prohibits the admission to Napa State Hospital of patients, in excess of a specified number, whose placement has been required pursuant to the Penal Code, until specified conditions are met, except as provided.

This bill would repeal this provision and would revise other requirements concerning the patient population at Napa State Hospital. This bill would also repeal certain obsolete requirements concerning the construction of the Atascadero State Hospital.

(3) Existing law establishes certain state hospitals for the care, treatment, and education of the mentally disordered, and provides that the department has jurisdiction over these entities.

This bill would specify that Coalinga State Hospital is one of these entities.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1372 of the Penal Code is amended to
2 read:

3 1372. (a) (1) If the medical director of the state hospital or
4 other facility to which the defendant is committed, or the
5 community program director, county mental health director, or
6 regional center director providing outpatient services, determines
7 that the defendant has regained mental competence, the director
8 shall immediately certify that fact to the court by filing a certificate
9 of restoration with the court by certified mail, return receipt
10 requested. For purposes of this section, the date of filing shall be
11 the date on the return receipt.

12 (2) The court's order committing an individual to a state
13 hospital or other treatment facility pursuant to Section 1370 shall
14 include direction that the sheriff shall redeliver the patient to the
15 court without any further order from the court upon receiving from
16 the state hospital or treatment facility a copy of the certificate of
17 restoration. The defendant shall be returned to the committing
18 court in the following manner: A patient who remains confined in
19 a state hospital or other treatment facility shall be redelivered to the
20 sheriff of the county from which the patient was committed. The
21 sheriff shall immediately return the person from the state hospital
22 or other treatment facility to the court for further proceedings. The
23 patient who is on outpatient status shall be returned by the sheriff
24 to court through arrangements made by the outpatient treatment
25 supervisor. In all cases, the patient shall be returned to the
26 committing court no later than 10 days following the filing of a



1 certificate of restoration. The state shall only pay for 10 hospital
2 days for patients following the filing of a certificate of restoration
3 of competency.

4 (b) If the defendant becomes mentally competent after a
5 conservatorship has been established pursuant to the applicable
6 provisions of the Lanterman-Petris-Short Act, Part 1
7 (commencing with Section 5000) of Division 5 of the Welfare and
8 Institutions Code, and Section 1370, the conservator shall certify
9 that fact to the sheriff and district attorney of the county in which
10 defendant's case is pending, defendant's attorney of record, and
11 the committing court.

12 (c) When a defendant is returned to court with a certification
13 that competence has been regained, the court shall notify either the
14 community program director, the county mental health director, or
15 the regional center director and the Director of Developmental
16 Services, as appropriate, of the date of any hearing on the
17 defendant's competence and whether or not the defendant was
18 found by the court to have recovered competence.

19 (d) Where the committing court approves the certificate of
20 restoration to competence as to a person in custody, the court shall
21 hold a hearing to determine whether the person is entitled to be
22 admitted to bail or released on own recognizance status pending
23 conclusion of the proceedings. Where the superior court approves
24 the certificate of restoration to competence regarding a person on
25 outpatient status, unless it appears that the person has refused to
26 come to court, that person shall remain released either on own
27 recognizance status, or, in the case of a developmentally disabled
28 person, either on the defendant's promise or on the promise of a
29 responsible adult to secure the person's appearance in court for
30 further proceedings. Where the person has refused to come to
31 court, the court shall set bail and may place the person in custody
32 until bail is posted.

33 (e) A defendant subject to either subdivision (a) or (b) who is
34 not admitted to bail or released under subdivision (d) may, at the
35 discretion of the court, upon recommendation of the director of the
36 facility where the defendant is receiving treatment, be returned to
37 the hospital or facility of his or her original commitment or other
38 appropriate secure facility approved by the community program
39 director, the county mental health director, or the regional center
40 director. The recommendation submitted to the court shall be

1 based on the opinion that the person will need continued treatment
2 in a hospital or treatment facility in order to maintain competence
3 to stand trial or that placing the person in a jail environment would
4 create a substantial risk that the person would again become
5 incompetent to stand trial before criminal proceedings could be
6 resumed.

7 (f) Notwithstanding subdivision (e), if a defendant is returned
8 by the court to a hospital or other facility for the purpose of
9 maintaining competency to stand trial and that defendant is already
10 under civil commitment to that hospital or facility from another
11 county pursuant to the Lanterman-Petris-Short Act (Part 1
12 (commencing with Section 5000) of Division 5 of the Welfare and
13 Institutions Code) or as a developmentally disabled person
14 committed pursuant to Article 2 (commencing with Section 6500)
15 of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions
16 Code, the costs of housing and treating the defendant in that
17 facility following return pursuant to subdivision (e) shall be the
18 responsibility of the original county of civil commitment.

19 SEC. 2. Section 4100 of the Welfare and Institutions Code is
20 amended to read:

21 4100. The department has jurisdiction over the following
22 institutions:

- 23 (a) Atascadero State Hospital.
- 24 (b) Coalinga State Hospital
- 25 (c) Metropolitan State Hospital.
- 26 (d) Napa State Hospital.
- 27 (e) Patton State Hospital.

28 SEC. 3. Section 7200 of the Welfare and Institutions Code is
29 amended to read:

30 7200. There are in the state the following state hospitals for
31 the care, treatment, and education of the mentally disordered:

- 32 (a) Metropolitan State Hospital near the City of Norwalk, Los
33 Angeles County.
- 34 (b) Atascadero State Hospital near the City of Atascadero, San
35 Luis Obispo County.
- 36 (c) Napa State Hospital near the City of Napa, Napa County.
- 37 (d) Patton State Hospital near the City of San Bernardino, San
38 Bernardino County.
- 39 (e) Coalinga State Hospital.

1 SEC. 4. Section 7200.06 of the Welfare and Institutions Code
2 is amended to read:

3 7200.06. (a) Of the ~~total of 1362~~ 1,362 licensed beds at Napa
4 State Hospital, at least 20 percent of these beds shall be available
5 in any given fiscal year for use by counties for contracted services.
6 *Of the remaining beds, in no case shall the population of patients*
7 *whose placement has been required pursuant to the Penal Code,*
8 *exceed 980.*

9 (b) After construction of the perimeter security fence is
10 completed at Napa State Hospital, no patient whose placement has
11 been required pursuant to the Penal Code shall be placed outside
12 the perimeter security fences, with the exception of placements in
13 the General Acute Care and Skilled Nursing Units. The State
14 Department of Mental Health shall ensure that appropriate
15 security measures are in place for the general acute care and skilled
16 nursing units.

17 ~~(c) After construction of the perimeter security fence is~~
18 ~~completed at Napa State Hospital, in no case shall the population~~
19 ~~of patients whose placement has been required pursuant to the~~
20 ~~Penal Code exceed 980.~~

21 SEC. 5. Section 7229 of the Welfare and Institutions Code is
22 repealed.

23 SEC. 6. Section 7233 of the Welfare and Institutions Code is
24 repealed.